

AMENDED IN SENATE JULY 8, 1996
AMENDED IN SENATE JUNE 25, 1996
AMENDED IN ASSEMBLY APRIL 8, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3452

Introduced by Assembly Member Brown

February 23, 1996

An act to add Section 65584.6 to the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 3452, as amended, Brown. Housing: regional housing needs: Napa County.

Existing law requires each city, county, and city and county to adopt for its jurisdiction, according to specified deadlines, a general plan that includes certain mandatory elements, including a housing element.

Existing law requires that the housing element include, among other things, an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. Existing law provides that the share of a city or county of the regional housing needs includes that share of the housing need of persons at all income levels within the area significantly affected by a general plan of the city or

county, and further provides that the distribution of regional housing needs shall take into consideration specified factors.

This bill would authorize the County of Napa, if certain conditions are met, and during its current housing element planning period, to transfer up to 15% of its existing share of the regional housing need for lower income households by committing funds collected by the county for the purpose of constructing affordable housing units, and constructing those units in one or more cities within the county, as specified. The bill would authorize Napa County to meet a percentage of its share of the regional share housing needs allocation in this manner only until June 30, 2004, unless a later enacted statute, that is enacted before June 30, 2004, deletes or extends that date.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) In order to fulfill the purposes of Sections 65583
4 and 65584, housing should be developed in the
5 jurisdictions to which the housing need is allocated.

6 (b) Due to circumstances unique to Napa County, and
7 in order to provide additional and new housing for low-
8 and moderate-income households, the county may meet
9 a portion of its fair share housing needs allocation in one
10 or more cities only within the county.

11 (c) Among the circumstances making it appropriate
12 for Napa County to undertake this authority are both of
13 the following:

14 (1) The county has 35,000 acres of world-famous
15 vineyards and unincorporated area. The county's tourism
16 industry relies on the vineyards and devotes its significant
17 economic interests on those vineyards.

18 (2) The county has adopted a Housing Trust Fund
19 program for residential development and a fee on
20 industrial, commercial, and viticultural development in
21 its unincorporated areas. The Housing Trust Fund



1 currently generates approximately five hundred fifty
2 thousand dollars (\$550,000) per year to further affordable
3 goals and strategies of the county's general plan, and
4 these moneys can be effectively invested in partnership
5 with the cities in the county in order to address affordable
6 housing needs of county residents.

7 SEC. 2. Section 65584.6 is added to the Government
8 Code, to read:

9 65584.6. (a) The County of Napa may, during its
10 current housing element planning period identified in
11 Section 65588, transfer up to 15 percent of its existing
12 share of the regional housing need for lower income
13 households, as defined in Section 65584 by committing
14 funds collected by the county for the purpose of
15 constructing affordable housing units, and constructing
16 those units in one or more cities within the county, but
17 only after both of the following conditions are met:

18 (1) An agreement has been executed between the
19 county and the ~~transferring~~ *receiving* city or cities.

20 (2) Prior to the execution of the transfer agreement,
21 the council of governments that assigned the county's
22 share shall approve the request to transfer a portion of the
23 county's fair share housing allocation to its cities in order
24 to meet the eligible portion of the county's fair share
25 housing allocation within the city or cities within the
26 county, but only if all of the following conditions are met:

27 (A) The city or cities in which the units are developed
28 agree not to count the units towards their share of the
29 region's affordable housing need.

30 (B) The county and the receiving city or cities have
31 entered into a binding, written transfer agreement which
32 includes a plan and schedule for construction of dwelling
33 units by the end of the current housing element planning
34 period, and a finding that both of the following exist:

35 (i) In addition to the sites needed to meet the city's or
36 cities' existing share of the regional need for low- and very
37 low income households, adequate sites, with appropriate
38 zoning, development standards, and public services and
39 facilities needed to accommodate the additional units.

1 (ii) If needed, additional subsidy or financing for the
2 construction of the transferred units.

3 (C) The receiving city or cities have housing elements
4 that have been found by the Department of Housing and
5 Community Development to be in compliance with this
6 article.

7 (b) If the council of governments referred in
8 paragraph (2) of subdivision (a) does not respond within
9 30 days to a proposed transfer agreement pursuant to
10 subdivision (a), the transfer agreement shall be deemed
11 approved.

12 (c) *Within 30 days after a transfer agreement is*
13 *executed pursuant to subdivision (a), or after a transfer*
14 *agreement is deemed approved pursuant to subdivision*
15 *(b), the Department of Housing and Community*
16 *Development shall hold a public hearing to evaluate and*
17 *determine whether the transfer agreement is in*
18 *substantial compliance with this section. Any public*
19 *hearing shall be held within the county.*

20 (d) If at the end of the five-year period identified in
21 subdivision (c) of Section 65583, any percentage of the
22 regional share allocation has not been constructed as
23 provided pursuant to subdivision (a), the council of
24 governments shall add the unbuilt units to Napa County's
25 regional share allocation for the planning period of the
26 next periodic update of the housing element.

27 ~~(d)~~

28 (e) On or after June 30, 2004, Napa County shall not
29 meet a percentage of its share of the regional share
30 pursuant to subdivision (a), unless a later enacted statute,
31 that is enacted before June 30, 2004, deletes or extends
32 that date.